

## Appendix B - Comments on draft Statements of Common Ground & Statement of Commonality

MDC submitted a revised draft SoCG to National Highways (NH) on 3 April 2023 as requested by the Applicant to enable Deadline 4 submission. However, it was not submitted by the Applicant for Deadline 4, but we understand from NH the draft SoCG (with NH responses) has now been submitted as a late submission on 24 April 2023.

The following paragraph numbers, headings and references relate to those in the 24<sup>th</sup> April 2023 version of the SoCG between NH and MDC. At paragraphs 2.7, 2.8, 2.9, 3.1 and 3.7 the heading text in brackets has been added by MDC for clarity of Issue.

### Table 4.3 - Issues ‘under discussion’

#### Engagement

2.1 MDC is excluded from the Issues pertinent with the Applicant where they are the responsibility of ECC as the Local Highway Authority. MDC support the principle of the Project for its benefit to the SRN.

#### Traffic and Transport

##### 2.2 LRN – Duke of Wellington mini roundabout

Whilst MDC acknowledges the Applicant’s comments about *‘the performance of a future Junction 21’*, if a Hatfield Peverel bypass/Maldon Link Road were constructed, this does not address MDC’s concerns in terms of the current LoS D performance of the Duke of Wellington mini roundabout to take all modes of transport to and from the new Junction 21 (with Junctions 20a and 20b closing). The Applicant refers to *‘the safety of the Duke of Wellington [mini] roundabout’* but MDC’s concerns are regarding its current performance and whether this can be maintained at a poor level of service in the short term? MDC does welcome the Applicant’s *‘noting of the congestion that occurs at the Duke of Wellington roundabout’*. The Applicant’s reference to a ‘roundabout’ is misleading and MDC must again reiterate, as in previous written submissions, that the junction is a **mini roundabout** i.e., a

painted circle on the tarmac. The Applicant must refrain from just using the word 'roundabout' when referencing the Duke of Wellington **mini roundabout** in this SoCG and other examination documents and hearings.

## Traffic Modelling

### 2.3 LRN – omission of bypass

MDC has consistently raised the question if the Duke of Wellington mini roundabout can maintain its current poor level of service to funnel all traffic modes to and from the new Junction 21, whether travelling northbound or southbound on the SRN. MDC has compared the LRN upgrades elsewhere in the Project (to connect to the new Junction 24 at Inworth) to the lack of upgrade on the LRN in Hatfield Peverel to connect to the new Junction 21. NH supports a Hatfield Peverel bypass/Maldon Link Road to connect to the new Junction 21 because:

- a) NH tested options for a bypass/link road prior to submitting the DCO and
- b) NH are committed to designing the new Junction 21 to accommodate the bypass/link road option as part of the DCO.

The Applicant refers to '*several steps to encourage use of J21 for northbound and southbound journeys*' by turning right at the Maldon Road junction with the Duke of Wellington mini roundabout and, that journey times will be quicker than turning left and accessing Junction 19 southbound through Boreham village. MDC is not convinced. Appendix A Written Submissions of oral representations at ISH3 in MDC's Deadline 5 written submissions, references the Applicant's traffic flow predictions that the Maldon Road junction with the Duke of Wellington mini roundabout will have increased queue lengths. This appears contradictory to '*quicker journey times*' from the Maldon Road junction with the Duke of Wellington mini roundabout if turning right to journey southbound or northbound? MDC is not convinced that signage or the predicted quicker journey times (1-2 minutes) will encourage driver (including HGV driver, LGV driver, van driver, car driver, motorcyclist) behaviour to turn right at the Maldon Road junction with the Duke of Wellington mini roundabout. Thus, Maldon District residents, businesses and visitors that rely on the Maldon Road junction with the Duke of Wellington mini roundabout to connect to the SRN from the LRN, are disadvantaged by the Project.

#### 2.4 Duke of Wellington mini roundabout

The Applicant states the Project (as forecasted) '*will not affect the roundabout in any discernible way*'. However, the Applicant has also stated that '*traffic patterns will change, and queue lengths will increase*' at the Maldon Road junction with the Duke of Wellington mini roundabout. The 'forecasting' in the submitted Transport Assessment [**APP-253 - APP-260**] relies on 2019 data and does not account for accelerated housing growth in the Maldon District since that date or employment growth through planned regeneration of the Maldon District's largest employment area in Maldon and Heybridge (MDC LIR [**REP2-068**]). The Applicant's response that '*the overall performance of the roundabout (see comments at 2.2 - please refrain from referring to a mini roundabout as a roundabout – there is a technical difference) is made worse by the Project*' is contradictory because:

- a) queue lengths are forecasted to lengthen and
- b) traffic patterns will change

These points will both lead to congestion and increased waiting times at the Maldon Road junction with the Duke of Wellington mini roundabout. MDC has set out in written submissions [**REP3-051**] the difficulty for HGVs and LGVs individually navigating the mini roundabout and passing together over the mini roundabout to and from Maldon Road junction. This was witnessed by the ExA at the ASI at the Duke of Wellington mini roundabout on the 2 March 2023. Monitoring the performance of the Duke of Wellington mini roundabout is essential from commencement of the Project to ensure the poor level of service is maintained and does not worsen in the short term and when the Project is operational.

#### 2.5 Duke of Wellington Bridge

The Project upgrades the Duke of Wellington Bridge from 1-way traffic to 2-way traffic to allow northbound and southbound traffic to access the SRN via the new northern arm to the new Junction 21. MDC has no concerns with the Project lengthening the Duke of Wellington Bridge across the widened carriageway. NH changed the design of the Duke of Wellington Bridge at Supplemental Consultation Stage (November 2021) when the southern arm from the new Junction 21 was removed from the design (the southern arm would have left the Duke of Wellington Bridge as 1-way). MDC's concerns are the impact of 2-way traffic on the upgraded Duke of Wellington bridge integrating with the poor level of service at the Duke of Wellington mini roundabout:

- a) the change in traffic patterns and
- b) the increased waiting times at the mini roundabout to turn right over the upgraded 2-way bridge.

As set out in MDC's written submissions **[REP2-068, REP3-051, REP4-077]**, the 2019 data used to inform the Transport Assessment at the Duke of Wellington Bridge (Point 7) will see '*a significant increase in traffic*' taking all modes of traffic to and from the new northern arm to the new Junction 21. The Applicant has confirmed that the traffic flows at Point 9 Maldon Road, south of Church Road and Point 7 Duke of Wellington Bridge, originate from the Maldon District. 12% of this traffic is HGVs and LGVs. MDC is yet to see the detailed design of the widened Duke of Wellington Bridge and how it will integrate with the existing Duke of Wellington mini roundabout. The Applicant states: '*the additional cost to widen the Duke of Wellington Bridge [to 2-way traffic] is negligible compared to the cost of a Maldon Link Road*'. This does not address MDC's point of discussion in the SoCG i.e. The Council questions the cost benefit ratio of an upgraded Duke of Wellington Bridge, a northern link to Junction 21 from the Duke of Wellington mini roundabout against the cost of a Maldon Link Road directly linking to Junction 21 from the B1019 Maldon Road, thus avoiding Hatfield Peverel village centre and the Duke of Wellington mini roundabout.

## 2.6 Little Braxted Lane

MDC acknowledges the Applicant's commitment to improve driver information at the Junction 22 end of Little Braxted Lane to deter HGVs and oversized vehicles travelling southwards from Junction 22 beyond the access to Coleman's Quarry. However, MDC remains concerned that the other end of Little Braxted Lane (Old School Lane/Kelvedon Road end) requires the same driver information to deter HGVs and oversized vehicles accessing Junction 22 to connect to the SRN. If the Applicant, working with ECC as the Highway Authority, commit to the driver information at both ends of Little Braxted Lane, this issue could be resolved. MDC is not concerned with archaeological remains in Little Braxted. MDC is only concerned with those heritage assets that are component parts of the local highway network of Little Braxted Lane, that is, the weak Mill House bridge (Grade II listed) with width restrictions and the weak bridge with the 3T limit.

## 2.7 Cadent Gas Main (Maintenance)

MDC acknowledge the Applicant's OCMP and that Little Braxted Lane is an excluded route for Construction HGVs. Subject to 2.6 above this issue could be resolved.

### 2.8 Cadent Gas Main (Diversion)

No further comment to make on National Highways comment dated 24<sup>th</sup> April 2023.

### 2.9 Cadent Gas Main (Tree and Vegetation Loss)

No further comment to make on National Highways comment dated 24<sup>th</sup> April 2023.

### 2.10 Groundwater

As noted by National Highways MDC has deferred to the Essex County Council as the Lead Local Flood Authority (LLFA), the Environment Agency and Anglian Water.

## **Table 4.4 - Issues 'in disagreement'**

### 3.1 Maldon (Link) Road

MDC maintains a Hatfield Peverel Bypass/Maldon Link Road would relieve the Duke of Wellington mini roundabout, on the LRN, of its capacity issues and poor level of service for all transport modes to connect to the SRN. Most of the traffic causing the overcapacity issues and the modes of transport navigating the mini roundabout, originate from the Maldon District as detailed in the Applicant's Transport Assessment [APP-253-APP-260]. There remains a level of uncertainty if the Duke of Wellington mini roundabout can maintain its poor level of service in the short term. It is uncertain if the Applicant's predictions and assumptions within the Transport Assessment modelling will influence driver behaviour to turn right only at the Maldon Road junction with the Duke of Wellington mini roundabout. The Applicant is supportive of a Hatfield Peverel Bypass/Maldon Link Road and has designed Junction 21 to facilitate its connection in the future. MDC maintains the Maldon Link Road should be part of the Project.

### 3.2 Junction 20b

Junction 20b is closing both on and off slips. The Preliminary Design Stage (June 2021) designed the new Junction 21 with a northern arm and southern arm. The southern arm was removed at Supplemental Design Stage (November 2021) as a Category 1 change. This caused the significant design change to the Duke of Wellington Bridge becoming 2-way to take all traffic modes on a northern arm only to the new Junction 21. MDC maintains, with such a significant change to the design of Junction 21, that impacts on access to and from the SRN via the Duke of Wellington mini roundabout, should have been considered before the DCO was submitted. The Applicant has recognised the pattern of traffic flows will change with increased traffic across the new 2-way Duke of Wellington Bridge and increased queue lengths at the Maldon Road junction with the Duke of Wellington mini roundabout. MDC maintains that the poor level of service at the Duke of Wellington mini roundabout cannot be maintained especially with the Applicant's reliance on driver behaviour and 'encouraging' driver behaviour to turn right whether journeying northbound or southbound on the SRN.

### 3.3 LRN – traffic modelling

MDC maintains the traffic modelling does not account for accelerated housing growth since 2019. The 722 jobs forecasted for employment growth only considers 'additional car trips associated with these additional jobs' whereas HGVs and LGVs account for 12% of the modelled traffic at the Maldon Road junction with the Duke of Wellington mini roundabout. MDC has referenced in written submissions the types of employment sites where HGVs, LGVs, vans and cars are typical modes of transport to support employment land uses (MDC LIR [REP2-068]). HGVs and LGVs take up more space in a queue than a car. It was witnessed by the ExA at the ASI at the Duke of Wellington mini roundabout, that HGVs and LGVs cannot easily navigate the mini roundabout or pass each other, causing further delays through oncoming traffic giving way to them.

### 3.4, 3.5, 3.6, Cadent Gas Main

No further comment to National Highways comment dated 24<sup>th</sup> April 2023. As requested by the ExA at ISH3 the detailed design of the Cadent Gas Main diversion is still awaited.

### 3.7 Cadent Gas Main (Biodiversity)

The two female Black Poplars at Blue Mills Nature Reserve are known to be the only female Black poplars in Essex. MDC welcomes the recognition of the Black Poplar as a veteran tree and the treatment of the Blue Mills Nature Reserve as a designated LoWS. However, MDC consider further discussion is required regarding the limitations of the Black Poplar trees in relation to provisions of works to protected trees within the DCO.

It is noted the powers of the DCO would allow for root pruning of protected trees. MDC are seeking further information from its Arboriculturist as to the impacts of root pruning on the Black Poplar tree and its future health.

## Statement of Commonality

The Statement of Commonality (SoC) issued by the Applicant aims to capture all of the topics raised by the host authorities, consultees and interested parties with which the Applicant has a SoCG. A table has been produced highlighting the topics of concern for each authority/organisation. It is noted that air quality has not been shown to be of concern to MDC, however whilst there is no separate air quality section within MDC's SoCG, concerns regarding air quality feature throughout MDC's SoCG in relation to the traffic and transport Principal Issue.

Whilst the SoC is brief, simply listing the topics of interest for each party, it shows areas of joint concern between MDC, ECC and BDC being traffic, Junction 21 and air quality. Whilst air quality does not feature specifically on the list for MDC it is mentioned within the SoCG and within MDC's LIR **[REP2-068]** and was an issue raised by MDC at the Issue Specific Hearing 1 (ISH) on the 1 March 2023 and at ISH3 on 27 April 2023.

A draft SoCG was shared with MDC on 30 March 2023. The Applicant received a response to the draft from MDC on 3 April 2023. Due to timescales the Applicant did not have the opportunity to respond to the further information provided by MDC for the Deadline 4 submission. However, a meeting was organised with MDC to go through the draft SoCG on 18 April 2023. An updated SoCG was not submitted at Deadline 4, but the Applicant has

requested a late submission of the draft SoCG to Deadline 4. The key issues under discussion are:

- Cadent Gas Main (construction)
- Cadent Gas Main (diversion)
- Cadent Gas Main (maintenance)
- Junction 21 (design)
- Traffic and Transport (Duke of Wellington mini roundabout)
- Air Quality (Danbury and Maldon AQMAs)